

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHRISTOPHER SMITH,	:	Case No. 1:12-cv-425
Petitioner,	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Michael R. Merz
WARDEN, Toledo Correctional Institution,	:	
Respondent.	:	

ORDER TO CEASE TRANSPORT AND COMPLY WITH RELEASE ORDERS

On April 9, 2020, this Court issued an unconditional writ of habeas corpus, requiring Petitioner Christopher Smith's **immediate release** from State custody (the "Unconditional Writ"). (Doc. 125). Respondent failed to comply with the Court's Unconditional Writ, resulting in Petitioner being transported to and detained in the Hamilton County Justice Center. (Doc. 134-1 at ¶ 15).

Today, April 14, 2020, Hamilton County Court of Common Pleas Judge Robert Ruehlman joined this Court in ordering Petitioner Smith's immediate and unconditional release. However, Petitioner advises that officials at the Hamilton County Justice Center refuse to release Petitioner Smith, in violation of the federal and state court orders. (Doc. 140). Hamilton County Justice Center advised that, yesterday, Respondent, the Warden of Toledo Correctional Institution ("TCI"), placed a holder requiring Petitioner's transport back to TCI in the event of his release. (*Id.*)

The Court hereby ADVISES that anyone attempting to retain custody of Petitioner Christopher Smith is in violation of two court orders—the Unconditional Writ issued by this federal Court (Doc. 125) and the release order of Hamilton County Common Pleas Judge Robert Ruehlman.

The Court **ORDERS** that any and all attempts to transport Petitioner Christopher Smith **CEASE IMMEDIATELY.**

The Court further ORDERS that Petitioner Christopher Smith be released from custody by 9:00 p.m. on April 14, 2020.

Any individual, officer, or agency who refuses to abide by this Order or obstructs the release of Petitioner Christopher Smith will be held in CONTEMPT OF THIS COURT.

IT IS SO ORDERED.

Date: April 14, 2020



Timothy S. Black
United States District Judge